

FILED

11/15/2021 1:10 PM

IRIS Y. MARTINEZ

CIRCUIT CLERK

COOK COUNTY, IL

LAURA PHELAN and JAMES PHELAN,

Plaintiffs,

V.

**TARGET CORPORATION, dba TARGET,
and TARGET STORES,**

Defendant.

No. 2021L011104

NOW COME the plaintiffs, LAURA PHELAN and JAMES PHELAN, by and through their attorneys, TOUHY LAW GROUP, P.C., and complaining of the defendant, TARGET CORPORATION, state as follows:

1. At all times mentioned herein, the Plaintiffs, LAURA PHELAN and JAMES PHELAN were residents of the County of Cook, State of Illinois.

2. That at all times relevant hereto, the defendant TARGET CORPORATION (TARGET) was a foreign corporation doing business at 7100 South Cicero Ave., Bedford Park, Cook County, State of Illinois under the name TARGET CORPORATION, TARGET, or TARGET STORES.

3. On or about November 16, 2019 Defendant TARGET was a general merchandise retailer providing general merchandise services to the general public, including the Plaintiff at its business location at 7100 South Cicero Ave., Bedford Park, Illinois (Business Location). The Defendant offered general merchandise services which included food, clothing, shoes, toys, housewares, electronics, personal care, pharmacy services, etc.



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4. On or about November 16, 2019, Plaintiff LAURA PHELAN was a customer and business invitee of the Defendant TARGET at its Business Location and was present on the premises for the purpose of shopping.

5. That at the time and place mentioned, the Defendant, TARGET, owned or operated said store and had a duty to maintain the premises, business appliances and the business location in a reasonably safe condition so as to avoid injury to the general public, including the Plaintiff.

6. That at the time and place mentioned the Defendant, TARGET, owed a duty to provide retail services to its customers, including Plaintiff, in a reasonably safe manner so as to avoid injury to the general public, including the Plaintiff. This duty included a responsibility to provide its customers with store facilities which were reasonably safe for use by the customers and the agents of the Defendant, TARGET and to properly instruct and train its agents and employees to guard its customers against unsafe and hazardous conditions, warn customers of such conditions and take preventive action to avoid slippery substances in the shopping aisles so as to avoid injury to the general public, including the Plaintiff.

7. That on or before the date alleged herein, Defendant knew, or should have known, that the toy slime, putty, guar gum and other similar substances were opened by customers and children and spread throughout the aisles where customers were shopping. The nature of these substances is such that they are not visible or obvious to shoppers.

8. That notwithstanding the foregoing, the Defendant, TARGET, through its authorized agents and employees, breached its duty and committed one or more of the following negligent acts or omissions:

- a. Failed to maintain and inspect the premises to prevent dangerous and defective conditions from existing including substances and liquids in the store aisles where customers were shopping;



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b. Failed to maintain the store floor and keep it free from open or broken merchandise containing toy slime, putty, guar gum and other similar substances and liquids where customers were shopping;

c. Knew, or should have known, that toy slime, putty, guar gum and other similar substances and liquids had been opened and spread throughout the aisles where customers were shopping;

d. Failed to give proper warning to the general public, including the Plaintiff, as to the dangerous condition then and there existing on the premises and in the store aisles;

e. Failed to properly and adequately barricade or close the store aisle where the foreign substance had spilled.

9. That as a direct and proximate result of the premises and of the foregoing acts of negligence or omission by the Defendant, the Plaintiff, LAURA PHELAN, slipped and fell on accumulated toy slime, putty, guar gum and other similar substances, thereby injuring her limbs and resulting in injuries as hereinafter alleged.

10. That as a direct and proximate result of one or more of the foregoing acts or omissions of the agents and employees of Defendant, TARGET, the Plaintiff sustained severe and permanent injuries and suffered and will continue to suffer pain, mental anguish and disability to her mind and body. She was forced to incur medical expenses in endeavoring to be cured of these injuries and has incurred doctor, hospital bills, and other expenses due to her injuries. Plaintiff is reasonably certain to continue to incur these expenses and losses in endeavoring to be cured of these injuries.

WHEREFORE, the Plaintiffs, LAURA PHELAN and JAMES PHELAN, by their attorneys, TOUHY LAW GROUP, P.C., demands judgment against the Defendant, TARGET CORPORATION in a sum in excess of the jurisdictional amount.

COUNT II - LOSS OF CONSORTIUM

1-10. Plaintiff, JAMES PHELAN hereby re-alleges and incorporates paragraphs 1 through 10 of Count I as paragraphs 1 through 10 of Count II as though fully set forth.



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11. That at all times mentioned herein, JAMES PHELAN, was the spouse of LAURA PHELAN.

12. That as a result of the wrongful conduct of the Defendant, the Plaintiff, JAMES PHELAN, has been deprived of the conjugal relations, companionship, services and consortium of his wife and will be forced to incur expenses and damages as a result of his injuries.

WHEREFORE, the Plaintiff, JAMES PHELAN demands judgment against the Defendant, TARGET CORPORATION, in a sum in excess of the jurisdictional amount plus costs.

Respectfully Submitted,

/s/ Timothy J. Touhy
Timothy J. Touhy
One of the Attorneys for Plaintiffs

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

LAURA PHELAN and JAMES PHELAN,)
)
 Plaintiffs,)
)
 v.) No.
)
 TARGET CORPORATION, dba TARGET,)
 and TARGET STORES,)
)
 Defendant.)

AFFIDAVIT

The Affiant, Timothy J. Touhy, being first duly sworn on oath, deposes and states:

1. I am one of the attorneys for plaintiffs in the above cause of action.
2. The money damages sought in this cause of action exceed \$50,000.00.

FURTHER AFFIANT SAYETH NOT.

/s/Timothy J. Touhy
Timothy J. Touhy

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